

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TERRANCE JOE QUINLAN,

Plaintiff,

v.

CITY OF SEATTLE; and UNKNOWN
SEATTLE POLICE DEPARTMENT
OFFICERS,

Defendants.

C22-0445 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff's motion pursuant to Federal Rule of Civil Procedure 59, which is treated as a motion for reconsideration, docket no. 49, is DENIED, as follows:

(a) Plaintiff's request to add certain employees of the Washington State Department of Corrections ("DOC") as defendants is DENIED. If plaintiff wishes to pursue claims concerning the conditions of his confinement, he must commence a new action and pay the requisite filing fee.

(b) Plaintiff's contention that the City of Seattle violated his Fourth and Fourteenth (due process) Amendment rights by failing to notify him about the impoundment of his recreational vehicle ("RV") lacks merit. The entity tasked with providing such notice is the tow contractor, and not the City of Seattle or its police personnel. *See* SMC 11.30.100(A) ("Not more than twenty-four (24) hours after impoundment of any vehicle, the tow contractor shall mail a notice by first class mail to the last known and legal owners of the vehicles The notice shall

1 contain the full particulars of the impoundment, redemption, and opportunity for
2 hearing to contest the propriety of the impoundment . . .”).

3 (c) Plaintiff’s evidence indicating that he was in DOC custody at the
4 time his RV was impounded is untimely and does not constitute a basis for altering
5 the judgment in this matter. The Declaration of Patty Willoughby, a paralegal
6 employed in the Office of the Washington State Attorney General, which is dated
7 December 19, 2023, and which was filed in support of plaintiff’s Rule 59 motion,
8 docket no. 49, predates (i) the Report and Recommendation (“R&R”) issued on
9 December 22, 2023, docket no. 45, (ii) plaintiff’s objections to the R&R docketed
10 on January 5, 2024, docket no. 46, and (iii) the Court’s adoption of the R&R by
11 Order dated February 21, 2024, docket no. 47. Plaintiff does not show why he
12 could not have brought the Willoughby declaration and attachment thereto to the
13 Court’s attention earlier through the exercise of reasonable diligence. *See* Local
14 Civil Rule 7(h). Moreover, even assuming that plaintiff was incarcerated during
15 the period in March 2020 when the 72-hour impound notice was placed on his RV
16 and the vehicle was towed, plaintiff has not demonstrated how the City of Seattle
17 could be held liable pursuant to *Monell v. Dep’t of Soc. Servs. of N.Y.C.*, 436 U.S.
18 658 (1978). Plaintiff does not show that the alleged constitutional violation
19 resulted from a policy or longstanding practice or custom, an unconstitutional
20 action by an official with policy-making authority, ratification by a policymaker of
21 a subordinate’s unconstitutional conduct, and/or a failure to train that amounts to
22 “deliberate indifference” concerning the constitutional right at issue. *See, e.g.,*
23 *Menotti v. City of Seattle*, 409 F.3d 1113, 1147 (9th Cir. 2005); *see also City of*
Canton v. Harris, 489 U.S. 378 (1989). The Seattle police officers involved
followed the procedures set forth in the Seattle Municipal Code, and plaintiff’s
suggestion that he is entitled to relief under 42 U.S.C. § 1983 because the officers
should have done more to find and notify him about the impoundment would be
precluded by qualified immunity jurisprudence. *See Hope v. Pelzer*, 536 U.S. 730,
739 (2002) (an individual defendant is entitled to qualified immunity if the
constitutional right allegedly violated was not “clearly established” at the time of
the events at issue).

17 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
18 record and to plaintiff pro se.

19 Dated this 27th day of March, 2024.

20 Ravi Subramanian
21 Clerk

22 s/Laurie Cuaresma
23 Deputy Clerk